



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION**

EX REL TERRANCE GRIFFIN,  
Plaintiff,

vs.

WILLIE HILL, DENTAL ASSISTANT  
MEDFORD, DENTAL ASSISTANT  
LAWSON, and DR. NICHOLSON,  
Defendants.

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Civil Action No.: 0:23-1199-MGL

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION,  
CONDITIONALLY GRANTING PLAINTIFF'S MOTION TO DISMISS WITHOUT  
PREJUDICE, AND TERMINATING ALL OTHER PENDING MOTIONS AND  
REPORTS**

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Plaintiff Ex Rel Terrance Griffin (Griffin) filed a complaint against Defendants Willie Hill, Dental Assistant Medford, Dental Assistance Lawson, and Dr. Nicholson (collectively Defendants) under the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, *et seq.* (SCTCA) and 42 U.S.C. § 1983.

This matter is before the Court for review of the Report and Recommendation of the Magistrate Judge (Report) recommending the Court conditionally grant Griffin's motion to dismiss and terminate all other pending motions. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo

determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on March 5, 2024. To date, all parties have failed to file any objections.

“[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845–46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case under the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Griffin’s motion to dismiss without prejudice is conditionally **GRANTED**. This matter is **DISMISSED WITHOUT PREJUDICE**. As suggested in the Report, if Griffin files an action based on or including the same claims against the same defendants in the future, the defendants may seek costs from this action pursuant to Rule 41(d) of the Federal Rules of Civil Procedure. Additionally, any discovery materials or other evidence obtained during the course of the litigation of this matter may also be used in any subsequent matter.

Finally, all other pending motions and Reports are necessarily **TERMINATED** as moot.

**IT IS SO ORDERED.**

Signed this 3rd day of April 2024, in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.